

# **EXHIBIT 1**



**U.S. Department of Justice**

Antitrust Division

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*Liberty Square Building*

450 5th Street NW  
Washington, DC 20001

February 5, 2024

VIA EMAIL

Justin W. Bernick  
William L. Monts III  
Liam E. Phibbs  
Hogan Lovells LLP  
555 Thirteenth Street NW  
Washington, D.C. 20004

Re: *United States, et al. v. Agri Stats, Inc.*, No. 0:23-cv-03009-JRT-JFD (D. Minn.)

Counsel,

We write to request a Rule 26(f) conference in the above-referenced case on February 20, 2024, at 2:00 p.m. ET.

We have previously requested a Rule 26(f) meeting on multiple occasions, but you have declined to date, stating that such a meeting was “premature.”<sup>1</sup> Although we disagree with your previous position (Federal Rule of Civil Procedure 26(f)(1) calls for a conference “as soon as practicable”), the Local Rules provide that such a meeting is now appropriate. Local Rule 26.1 mandates a party’s attendance at a Rule 26(f) conference requested “in writing at least 14 days before the requested date for the conference,” and “at least 30 days after each defendant has answered, pleaded, or otherwise responded in the action.”

If you would like to propose an alternative date and time during the week of February 20, we are happy to consider such a request. In the interim, we will circulate an invitation for the call.

Sincerely,

/s/ Mark H.M. Sosnowsky  
Mark H.M. Sosnowsky  
Senior Litigation Counsel  
U.S. Department of Justice  
Antitrust Division

cc: All counsel of record

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<sup>1</sup> See Dec. 20, 2023 email from I. Phibbs; see also Dec. 1, 2023 Email from J. Congdon to J. Bernick; Dec. 12, 2023 Letter from M. Sosnowsky to J. Bernick; Dec. 19, 2023 Email from J. Congdon to J. Bernick.